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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,239	11/06/2001	Michael Waller	9488.00	5480

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EXAMINER
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BECKER, SHAWN M

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/992,239

Applicant(s)

WALLER ET AL.

Examiner

Shawn M. Becker

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/31/03, 1/13/03</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10, 12-13, and 15-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by WO 98/19259 to Perkowski (hereinafter Perkowski).

Referring to claims 1-2 and 8-9, Perkowski discloses an apparatus and an interface method with display and control input means for use in accessing information from a plurality of information suppliers (i.e. manufacturer web page creators) and resources (web pages), the method comprising:

machine-reading a tag carried by an item (i.e. product); and

in response to data carried by the tag identifying an information resource address (URL) carried by the tag and accessing the identified resource to download from that resource information aggregated from the plurality of information suppliers.

See page 10, line 24 - page 11, line 25, which describes using a bar code reader to scan the UPC label (tag) of a product (item) in order to retrieve (download) one or more (a plurality

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of) web pages containing product related information. Also, see page 12, lines 19-30 and page 16, line 14 – page 17, line 20.

Referring to claim 3, the operation of reading the tag of Perkowski takes place upon placing the item onto a support surface. See Fig. 3A3 and page 44, line 15 - page 46, line 7, which shows a scanner 36 located above the support surface (i.e. 37), thus placing an item onto 37 with the bar code facing up results in reading the bar code (tag). See page 46, lines 9-11.

Referring to claim 4, Perkowski discloses displaying the downloaded information on the support surface (LCD; 37). See Fig. 3A3 and page 44, line 15 - page 46, line 7, which shows that the display (37) displays the web pages.

Referring to claims 5-6, Perkowski discloses a method of advertising, marketing or disseminating information (page 11, lines 17-24) on behalf of a plurality of information suppliers, comprising:

providing a tagged item (i.e. product with bar code) to a user having a tag reader (i.e. kiosk); and

in response to use of the tag reader, identifying and accessing an information resource (i.e. UPN)/plurality of resource addresses (i.e. URLs) carried by the tag; and downloading information (i.e. web pages) to the user from that resource information [address] (i.e. URLs) aggregated from the plurality of information suppliers.

See page 10, line 24 - page 11, line 25, which describes using a bar code reader to scan the UPC label (tag) of a product (item) in order to retrieve (download) one or more (a plurality

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of) web pages containing product related information. Also, see page 12, lines 19-30 and page 16, line 14 – page 17, line 20.

Referring to claim 7, the plurality of information suppliers are providers of products or services (manufacturers; page 10, lines 16-17) which the supplied information relates, and wherein the tagged item represents a theme to which the products or services relate (i.e. the item may be a product, brochure, or document, which are physical symbols/themes of the supplier of the product; page 43, lines 12-14).

Referring to claim 10, the control input means of Perkowski includes a touch screen overlaying the display (page 44, line 28 - page 45, line 2).

Referring to claim 12, Perkowski discloses a decoder for identifying a coded information resource address (URL) carried by a tag, and access means for accessing the identified information resource (web page). See page 4, lines 21-28 and page 10, line 10 - page 11, line 24.

Referring to claim 13, Perkowski discloses a support surface (Fig. 3A3, 37) and the operation of reading the tag of Perkowski takes place upon placing the item onto the support surface. See Fig. 3A3 and page 44, line 15 - page 46, line 7, which shows a scanner 36 located above the support surface (i.e. 37), thus placing an item onto 37 with the bar code facing up results in reading the bar code (tag). See page 46, lines 9-11.

Referring to claims 15-16, the display of Perkowski is projected upwardly from under the support surface such that the support surface presents the display. See Fig. 3A3, which shows the LCD is projected upwardly. See page 44, line 15 - page 46, line 7.

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Referring to claim 17, the support surface of Perkowski includes a reader portion (scan able area) onto or into which a tagged item can be placed to read its tag and a display portion on which the display can be presented (LCD screen). See Fig. 3A3 and page 44, line 15 - page 46, line 11.

Referring to claim 18, the support surface of Perkowski is continuous between the reader portion (scan able area) and the display portion (LCD screen). See Fig. 3A3 and page 44, line 15 - page 46, line 7, which shows placing an item onto 37 with the bar code facing up results in reading the bar code (tag), and displaying the information resource on display (37). See page 46, lines 9-11.

Referring to claims 19-20, Perkowski discloses an embodiment as an item of furniture (table/counter top). See page 44, line 21.

Referring to claims 21-22, Perkowski discloses a tagged item (i.e. product) comprising:  
a tag including means for carrying an information resource address (i.e. bar coded UPC or URL) which, when read, identifies a plurality of information resource addresses (URLs) carried by the tag and accesses the identified resources (web pages) to download information from those resources. See page 10, line 24 - page 11, line 25, which describes using a bar code reader to scan the UPC label (tag) of a product (item) in order to retrieve (download) one or more (a plurality of) web pages containing product related information. Also, see page 12, lines 19-30 and page 16, line 14 - page 17, line 20.

Referring to claims 23 and 25, Perkowski discloses a method of tagging an item (i.e. product), the method comprising:

storing an [a plurality of] information resource address[es] (i.e. UPC or URL) on a tag;

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storing data (i.e. bar code) on the tag such that, when the data (bar code) is read (scanned), the information resource address[es] (URL) is/[are] identified and the identified resource[s] (web page) is accessed to download from that resource information aggregated from a plurality of information suppliers (producers); and applying the tag to the item (product). See page 10, line 10 – page 11, line 24, which describes which describes storing UPC linked data or URLs on the tag of a product.

Referring to claims 24 and 26, the information resource is an Internet or intranet resource addressable by a URL. See page 10, line 10 - page 11, line 24.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski and U.S. Patent No. 6,573,916 to Grossweiler, III et al. (hereinafter Grossweiler).

Referring to claim 11, Perkowski discloses that the bar codes/tags may be placed on products, brochures, or documents about a product (page 44, lines 21-25) and that new products may be registered with the system (pages 64-74), but Perkowski does not explicitly state that the tag reader includes a reader/writer capable of writing data to a tag. However, Grossweiler discloses a method of digital navigation (finding a reference location) based on reading electronic tags (col. 4, lines 18-36), which is similar to the URL look up method of Perkowski.



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Grossweiler teaches that the tag reader may be reader/writer capable of writing data to a tag (col. 5, lines 40-62). It would have been obvious to one of ordinary skill in the art to substitute the scanner of Perkowski with the reader/writer tag reader of Grossweiler in order to create the tags/codes to be placed on the brochures and documents relating to the products of Perkowski.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski, Grossweiler, and U.S. Patent No. 5,747,784 to Walter et al. (hereinafter Walter).

Referring to claim 14, Perkowski discloses a tag reader (i.e. Fig. 3A3, 36), but does not go into the details of the tag reader. However, Grossweiler discloses excitation (energizing) means (col. 2, lines 9-39 and col. 5, lines 5-27). It would have been obvious to one of ordinary skill in the art to substitute the tag reader of Perkowski with the tag reader with excitation means of Grossweiler so that no on board power source is required as described by Grossweiler (col. 2, line 19).

Perkowski discloses several types of tag readers, which may be moveable or placed in different orientations (pages 46, line 9 - page 47, line 25), but Perkowski and Grossweiler do not specifically disclose the tag reader with excitation means is disposed under the support surface. However, Walter describes a method of scanning UPC codes, which is similar to Perkowski, and Walter describes how tag readers (scanner devices) are conventionally disposed under a counter top (support surface). See col. 3, lines 6-15 and Fig. 1, 30. It would have been obvious to one of ordinary skill in the art to modify the tag reader of Perkowski and Grossweiler to be disposed under the support surface as shown in Walter in order to read a tag faced down on the support surface.

*Conclusion*

7. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach methods or reading tagged items to access an URL or other information resource.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is (703) 305-7756. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smb

  
CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER